



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**October 26, 2006**

**For immediate release**

**1. DNR enforcement actions**

**DNR ENFORCEMENT ACTIONS**

DES MOINES — The DNR took the following enforcement actions in September and October 2006, unless otherwise noted. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

**Consent Orders**

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- Benton County Sanitary Landfill, of Vinton, agreed in a consent order to make operational changes as necessary to achieve compliance with all applicable regulations and permit provisions, and to pay a penalty of \$6,000. The consent order is in regard to varied landfill violations. The penalty has been paid.
- Tri Star Petroleum, LLC, of Davenport, agreed in a consent order to conduct line tightness tests and line leak detector tests, and to pay a \$6,000 penalty. The consent order is in regard to regulatory violations and monetary penalties associated with the operation and maintenance of petroleum underground storage tanks at a site in Davenport.
- The Iowa Department of Corrections agreed in a consent order to submit a Title V permit renewal application and to pay stipulated penalties if the permit deadline is not met. The consent order is in regard to air quality Title V operating permit and reporting violations at Anamosa State Penitentiary. The Iowa Department of

Corrections submitted the application by the deadline.

- Aspinwall Cooperative Co., of Aspinwall, agreed in a consent order to stop open burning and improper solid waste disposal, and to pay a \$1,500 penalty. The consent order is in regard to air quality and solid waste violations at the Cooperative site in Aspinwall. Aspinwall Cooperative has paid the penalty.
- Charles F. Deering Jr., of Postville, agreed in a consent order to record manure levels weekly in his manure storage pit, make improvements to the manure pit, keep a sufficient number of non-crop acres available for manure application during the growing season and to properly land-apply manure. Deering also agreed to pay a \$5,000 penalty. The consent order is in regard to manure discharges from Deering's animal confinement feeding operation that led to an August 2005 fish kill in Roberts Creek. The penalty is being paid.
- John Kajewski, of Cylinder, agreed in a consent order to submit an updated manure management plan (MMP) and annual compliance fee, and to pay a \$1,500 penalty. The consent order is in regard to failure to timely submit an MMP for a site in Palo Alto County. Kajewski has paid the penalty.
- Schenkelberg Implement Company, of Carroll, agreed in a consent order to develop a solid waste management plan to properly dispose trade wastes and to pay a \$500 penalty. The consent order is in regard to open burning violations at a site in Carroll County. The penalty has been paid.
- Waddell Metal Recycling, Inc., of Blue Grass, agreed in a consent order to eliminate any burn barrels and pay a \$3,000 penalty. The consent order is in regard to improper disposal and open burning of solid waste. The penalty is being paid.
- Anthony Trucking, Inc., of Le Mars, agreed in a consent order to cease illegal discharges from its wastewater lagoon, apply for an Iowa Operation permit or enter into an agreement with a permitted wastewater plant to accept its waste, and to pay a \$5,000 penalty. The consent order is in regard to wastewater violations from its trailer washout bay and earthen storage lagoon at a site in Plymouth County.
- Barilla America, of Ames, agreed in a consent order to maintain records as specified in its air quality permits, comply with all emission limits and operating requirements, report each excess emissions incident to the DNR, implement a compliance plan and pay a \$9,000 penalty. The consent order is in regard to air quality violations at the Barilla facility in Ames. The penalty has been paid.

### **Withdrawn Orders**

The following orders have been withdrawn by the DNR:

- Monty Unkrich, of Fairfield: A 2004 order regarding animal feeding operation violations is rescinded.

**For more information, contact Jessie Brown at (515) 281-5131.**

**-30-**